## Case 4:07-cr-00162-O Document 45 Filed 01/26/ UNITED STATES DISTRICT

for NORTHERN DISTRICT OF TEXAS

### Request for Modify the Conditions or Term of Supervision With Consent of the Offender

(Probation Form 49, Waiver of Hearing is Attached)

By

Name of Offender:

Daniel P. Daly

Case No.: 4:07-CR-162-O(01)

age 1 of 35.

Name of Sentencing Judge: U.S. District Judge Reed O'Connor

Date of Original Sentence: August 14, 2008

Original Offense:

Receipt of Child Pornography, 18 U.S.C. § 2252(a)(2)

Original Sentence:

97 months custody, Life term of supervised release

Revocations:

None

Type of Supervision: Supervised Release

Date Supervision Commenced: November 26, 2014

Assistant U.S. Attorney: Alex C. Lewis

Defense Attorney: J. Warren St. John

(Retained)

### **Petitioning the Court as Follows:**

To add to the conditions of supervision with the consent of the offender as follows:

The defendant shall submit to periodic unannounced examination of his/her computer(s), storage media, and/or other electronic or Internet-capable device performed by the probation officer at a reasonable time and in a reasonable manner based on reasonable suspicion of contraband evidence of a violation of supervision. This may include the retrieval and copying of any prohibited data and/or the removal of such system for the purpose of conducting a more thorough inspection. The defendant shall provide written authorization for release of information from the defendant's Internet service provider.

#### Cause

Due to the nature of Mr. Daly's conviction and his desire to possess a computer, the additional condition is being requested to assist the probation office in supervising Mr. Daly, in order to monitor his compliance. On January 16, 2015, Mr. Daly waived his right to a hearing and voluntarily agreed to the modification of his conditions.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 26, 2015

Approved,

s/Jamil G Tirhi

Senior U.S. Probation Officer

Arlington

Phone: 817-505-3284 Fax: 817-649-5954

s/Casey Kimble

Supervising U.S. Probation Officer

Phone: 817-505-0998

Order	of the	Court:
17111	171 6111	

☐ No Action

The extension of supervision as noted above.

To add to the conditions of supervision as follows:

The defendant shall submit to periodic unannounced examination of his/her computer(s), storage media, and/or other electronic or Internet-capable device performed by the probation officer at a reasonable time and in a reasonable manner based on reasonable suspicion of contraband evidence of a violation of supervision. This may include the retrieval and copying of any prohibited data and/or the removal of such system for the purpose of conducting a more thorough inspection. The defendant shall provide written authorization for release of information from the defendant's Internet service provider.

☐ Other or Additional:

☐ File under seal until further order of the Court.

Reed O'Connor U.S. District Judge

Date

JGT/ccl

\*Attachment

PROB 49 (3/89)

## **United States District Court**

Northern District of Texas

# Waiver of Hearing to Modify Conditions of Supervised Release

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my conditions of supervised release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the Court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my conditions of supervised release or to the proposed extension of my term of supervision:

The defendant shall submit to periodic unannounced examination of his/her computer(s), storage media, and/or other electronic or Internet-capable devices performed by the probation officer at a reasonable time and in a reasonable manner based on reasonable suspicion of contraband evidence of a violation of supervision. This may include the retrieval and copying of any prohibited data and/or the removal of such systems for the purpose of conducting a more thorough inspection. The defendant shall provide written authorization for release of information from the defendant's Internet service provider.

Witness:

Jamil Tirhi

Senior U.S. Probation Officer

Signed:

Daniel Daly

Supervised Releasee